

January 10, 2011

The Common Council met as the Water Utility Board at 7:00 p.m. on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Asst. St. Comm. Miller; Supt. Givens; Tom Hogan – Johnson Controls, Inc.; Larry Williams; Scott Straw; Nancy Hoehn; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by welcoming new member, Andy Hoehn, who is finishing the term started by his wife, former Board member Nancy Hoehn, who was elected County Assessor. He then stated Board member Hoehn has very graciously volunteered to be the Council appointment to the Area Plan Commission for 2011.

Mayor Tucker stated members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Askren moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he has no report.

Supt. Gray stated they have had a pump failure in the lower pump well. It is now up and running, though only four of the five are running. He then stated quite some time ago he received permission for a leak study and as a result, JCI will be buying the water department an automated leak detector system which can hook onto meters. He added it should save them money.

Mayor Tucker replied that is great and asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.  
Attorney Higgins stated the first item is to designate a newspaper for legal publications for the Water Utility Board for 2011.

Board member Higgins moved the Mount Vernon Democrat be used for Utility Board legal notices. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated Tom Hogan is present tonight and would like to discuss JCI's performance development contract with respect to the next "project", that being a permanent intake. She stated this would actually be considered an addendum to the current contract that is in place and would authorize a study to be done. She added after the study, JCI would bring back a report for discussion to the Board and if the Board decides to go forward with the performance contract they would then sign a new contract with a new price tag, depending on the option the Board goes with. She stated Board would look at the report submitted by JCI, they would then select an option and JCI would then come up with the project. She added that if the Board should decide not to enter into a new contract, they would owe \$300,000.00; the cost of the report.

Mr. Hogan stated the last time JCI presented the city with six different options on a new filtration system, and the Board chose the best option. That is what they plan to do again. He added the \$300,000 is the actual cost of the engineering for the new project.

Board member Curtis stated as he understands it, there are actually three phases within this phase.

Mr. Hogan replied that is correct. He then stated the Board will choose the best option for them, everything will be totally transparent, with JCI being the city's champion.

Board member Curtis stated when the last project came up, they also discussed intakes at that time. He asked if Mr. Hogan could speak tonight on any of the various options for the intakes.

Mr. Hogan stated that is a great question. He added they will be digging some test wells to look at possibly a well system as well as a bank filtration system. He stated there will be six good options and many good ideas that will then be identified.

Board member Curtis asked about rough cost estimates, as he recalls the deep well was a little pricier. He stated he wants assurances that they will have other various options to consider.

Mr. Hogan stated JCI will guarantee whatever option they go with for 15 years.

Board member Curtis stated he is pleased with the cost overruns on other projects being taken care of by JCI.

Mr. Hogan thanked Board member Curtis and added the last project was an excellent project that also used 100% local labor.

Board member Curtis stated they do have issues with the temporary intake system and they definitely need to start doing something very soon to take care of that. He added it will take time.

Board member Higgins added Supt. Gray indicated to IDEM that the city is taking steps to correct the problem.

Supt. Gray added IDEM is pushing for a ground water system, and that is who the city must look to satisfy.

Mr. Hogan stated they will have to drill test wells which will be hard work and expensive. He added as a result, the city will receive quite a detailed engineering report. Board member Fuelling asked about a time frame.

Mr. Hogan replied for project development, between 45 and 60 days, then JCI bring the report back to the Board, though it could actually be 30 to 45 days. After that time, there would be a contract with the exact cost.

Board member Fuelling stated he would like to see the cost of the different solutions offered, as well as the efficiency and how the Board would go about paying for it.

Board member Curtis stated the \$300,000 fee would be due in 60 days unless the Board goes forward with the contract.

Board member Higgins stated she would like to see a 25 or 50 year solution; a long term solution.

Mr. Hogan stated JCI will work with any engineer the city chooses, they work with just about anybody.

Board member Curtis stated if the contract is signed tonight, it states in the paperwork that test wells would be drilled within two months time. He wondered if that would be possible.

Board member Hoehn asked where they would be drilling.

Mr. Hogan replied north, east, and west of town – looking for water.

Board member Hoehn asked why IDEM is pushing for ground water ?

Supt. Gray replied they are pushing everyone that way. He added the utility could get a 90% disinfectant credit by going that way. He stated using a ground water system knocks out two pretty serious bacteria. Again, IDEM is pushing everyone toward well water.

Board member Hoehn asked if there is a surface instrument that could mimic a ground water solution ?

Supt. Gray replied yes, possibly. IDEM says the sands in ground water take bacteria out of the water biologically.

Board member Curtis asked if Louisville uses a system like that.

Supt. Gray replied yes. He added the city has done test wells in the past, with not real good results.

Mr. Hogan replied east of town, they had found arsenic in the water, but that COULD be eliminated if the wells went deeper.

Board member Curtis stated the Board needs to know what they can and can not do before they move forward

Board member Askren agreed.

Board member Curtis moved the Board authorize the study, recognizing that they would owe \$300,000 if they do not move forward. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

Board member Hoehn stated he would like more time to study this, being a new member, he would like to get together with Supt. Gray and Mr. Hogan and get up to speed before the next meeting. He stated he will abstain from a vote at this time. He added the country is in a bad economy right now, and though he has no issue moving forward, he would just like more time.

Mayor Tucker asked if there was any other discussion ?

Board member Curtis asked if there was an issues waiting two more weeks, would it make a difference ? He added he would like to give Board member Hoehn a chance to get more acquainted with things. As for the temporary intakes, JCI put in all the repair costs on those and they are the point they need to move on that. He reminded Board the temporary intakes were just that, temporary and only meant to last 18 months.

Mr. Hogan agreed and added because they are temporary intakes, that is why they are having pump failures.

Supt. Gray added the pumps sit above the water level, which is the main issue and added the pumps will not stay primed.

Board member Curtis stated he has no problem waiting two weeks. He then moved the Board table their previous motion. Seconded by Board member Askren.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker state if there was no further business, he entertains a motion to adjourn.

Board member Curtis moved the meeting be adjourned. Seconded by Board member Fuelling.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer

January 10, 2011

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Askren, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Waters; Asst. St. Comm. Miller; Supt. Givens; Larry Williams; Scott Straw; Nancy Hoehn; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Askren moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Asst. St. Comm. Miller stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Askren stated she has no report.

Chief Beloit stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Hoehn stated he has no report.

Chief Waters stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairwoman Higgins stated she has no report.

Supt. Givens stated they had a State Inspection today the gentleman liked everything he saw, everything was satisfactory and he liked the condition of the plant and the work they were doing.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?  
Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they will now begin the Legal portion of the Agenda.

Attorney Higgins stated the first item is to designate a newspaper for Council legal publications.

Councilwoman Higgins moved the Mount Vernon Democrat be designated. Seconded by Councilwoman Askren.

Mayor Tucker asked if there was any discussion ?

Councilman Hoehn asked if they could balance this out with the two different papers ?

Councilwoman Higgins stated they could split them with the Board of Works using the Posey County News.

Attorney Higgins added the state statute requirement is that the municipality must publish in the paper whose legal address is located in the municipality, according to the United States Postal Service. She added the Democrat is the only one that has that certification from the USPS.

Clerk-Treasurer Sitzman added they would then also be doubling their advertising budget by having to publish in both papers, as they HAVE to publish in the Democrat.

Attorney Higgins added they have to use the address where the paper was first founded, and therefore, they have to publish in the Mount Vernon Democrat.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follow:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker state the motion carried unanimously.

Attorney Higgins stated the next item is for discussion only tonight. It was requested by Councilman Fuelling to address a parking issue. She stated it is an ordinance to add NO PARKING on the north side of Water Street from the alley east of Taste of Home Café, east to Mulberry Street.

Councilman Fuelling stated the resident of the modular home in the middle of that block asked that the Council look into this as folks are pulling up into her yard to park. He added there are ample parking areas on the south side of the street.

Councilwoman Higgins asked if this will affect the Ranes' at the corner of Mulberry and Water ?

Councilman Fuelling replied no, folks are not apt to park that far down. He added he feels Council needs to take care of that residence as there are no curbs or sidewalks there.

Attorney Higgins stated again, this is just for review this evening, they will have first reading at their next meeting. She then stated they also have before them the new pages for their code book. She added it is the 2010 supplement containing the 2009 ordinances, those adopted 1/1 – 12/31/09. These need to be adopted so Council can add the pages to their codification.

Councilman Curtis moved the supplement be adopted. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Supt. Gray stated as the Council is aware, the city has a crow problem and covering trash cans will help, but he thinks with a small budget, the crows can be discouraged to stay.

He added the city can purchase a shell cracker that has a 130 decibel bang and a very bright flash that will drive the crows out. He would like permission to purchase this, along with 200 shells, the propane cannon, and bird scare balloons for around \$2,000.00. He added if they hit the crows with this at night, they will fly until they see another light source, therefore, pushing them south.

Mayor Tucker stated he and Supt. Gray discussed this today with Clerk-Treasurer Sitzman and they have found money for the purchase.

Supt. Gray added this would be a non lethal means of taking care of the problem.

Councilwoman Higgins asked if this works in other places ?

Supt. Gray replied yes.

Councilman Fuelling stated something needs to be done.

Mayor Tucker agreed and added they need to start now. He added the members of this “crow committee” will be Supt. Gray, Chief Beloit and Councilman Fuelling.

Council consented to have Supt. Gray head up the committee and proceed.

Mayor Tucker stated they will now hear the reports of the Districts.

1<sup>st</sup> District Councilwoman Askren stated she has no report.

2<sup>nd</sup> District Councilman Fuelling stated he has no report.

3<sup>rd</sup> District Councilman Hoehn stated all is quiet on the western front.

4<sup>th</sup> District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she has been receiving complaints on semis going south on Kimball Street. She added they should only be traveling north. They need to look at that again.

Councilman Fuelling stated the city has talked with INDOT about a light at the port entrance, and though that will more than likely not happen, they need to keep on that.

Councilwoman Higgins added it is a big safety issue in that area – there is a park there, houses, no sidewalks, and school buses also travel that street. She added she will contact the port again.

Mayor Tucker stated Year-End Reports are due January 24<sup>th</sup>, and 10 copies will be needed. He added each department head can give a brief synopsis and take any questions at their first meeting in February. He then reminded Council of the Executive Session immediately following this meeting and then entertained a motion to adjourn.

Councilwoman Askren moved the meeting be adjourned. Seconded by Councilwoman Higgins.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer